



Andrew J. Spano
County Executive



August 27, 2002

The Honorable Donald L. Evans
Secretary of Commerce
Room 5854
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Appeal to the Secretary of Commerce by Millennium Pipeline, L.P.
Pursuant to the Coastal Zone Management Act, 16 U.S.C. 1456 (c)(3)(A)—
Request for Public Hearing

Dear Mr. Evans:

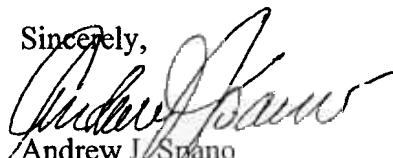
As one of those who requested that the Secretary of Commerce conduct a public hearing on the above-referenced Coastal Zone Management Act consistency appeal, I am very appreciative of the decision made by the Department to conduct a hearing in Westchester County.

In view of the importance of this issue, we suggest that the hearing be conducted as soon as possible, in October, which would leave ample time for public notification and preparation of comments.

The county government would be pleased to make one of its public facilities available to the Department for this effort. We have a number of locations that might be suitable, including the Westchester County Center in White Plains, which has been the site of numerous public hearings in the past. You can also count on the assistance of any and all county agencies and departments for whatever is necessary to ensure that this effort is successful.

I look forward to hearing from you. Should you have any questions or comments, you may contact me or Karen Pasquale in my Government Relations Office, as well as Alan D. Scheinkman, Esq., who has been serving as Westchester's counsel on this matter.

Sincerely,


Andrew J. Spano
County Executive

Office of the County Executive

Michaelian Office Building
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: ceo@westchestergov.com



Don't waste
a drop!
Save water

cc: Honorable Charles E. Schumer
United States Senate

Honorable Hillary Rodham Clinton
United States Senate

Honorable Eliot Engel
United States House of Representatives

Honorable Benjamin Gilman
United States House of Representatives

Honorable Sue Kelly
United States House of Representatives

Honorable Nita M. Lowey
United States House of Representatives

James R. Walpole, Esq.
General Counsel
National Oceanic and Atmospheric Administration

/ Karl D. Gleaves, Esq.
Assistant General Counsel for Ocean Services
National Oceanic and Atmospheric Administration

Frederic G. Berner, Jr., Esq.
Sidley Austin Brown & Wood

Glen T. Bruening, Esq.
General Counsel
New York State Department of State



02-003345-C

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Andrew J. Spano
County Executive

May 22, 2002

The Honorable Donald L. Evans
Secretary of Commerce
Room 5854
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Re: *Millennium Pipeline Company, L.P.*
Appeal of New York State Department of State Determination of May 9, 2002
Of Inconsistency With Coastal Zone Management Act

Dear Secretary Evans:

On behalf of the people of Westchester County, New York, I write to advise you of our deep interest and concern with respect to the possible appeal by Millennium Pipeline Company, L.P. of the recent determination by the New York State Department of State that Millennium's proposal to construct a natural gas pipeline crossing the Hudson River at Haverstraw Bay is inconsistent with New York State's federally approved Coastal Zone Management Plan. Haverstraw Bay has been designated a "Significant Coastal Fish and Wildlife Habitat" by New York State under the Coastal Zone Management Act. It has also been designated an "Essential Fish Habitat" by the National Marine Fisheries Service and identified as a "Significant Habitat Complex" within the New York Bight by the U.S. Fish and Wildlife Service.

New York State, under the leadership of Governor Pataki and Secretary of State Randy Daniels, has found that the proposal to construct the Millennium pipeline across Haverstraw Bay, including the planned blasting and dredging of the Hudson River, would destroy significant habitat within the Bay and threaten the endangered shortnose sturgeon. The National Marine Fisheries Service and the United States Fish and Wildlife Service have also commented on the extensive adverse impacts the Millennium proposal would have on the Hudson River. In addition, relying upon comments from the New York City Department of Environmental Protection, the New York Secretary of State's determination concluded that the Millennium proposal poses significant risks to New York City's water supply that have not been adequately addressed. Those risks threaten the water supply of several major cities and towns in Westchester County, including the Cities of Yonkers, Mount Vernon, and New Rochelle, and the Towns of Greenburgh and Scarsdale.

I fully support the conclusions reached by New York State and, in fact, had urged them to make this determination. For your information, I am submitting copies of correspondence that I had sent to Secretary of State Daniels over the past year.

Notwithstanding the extensive analysis and review provided by the New York State Department of State, Millennium has indicated that it plans to appeal the determination to your office. While we are confident that New York State will vigorously and effectively defend its determination, this matter is so vital to the health of Westchester's residents and the quality of life and the environment of the Hudson River Valley that I urge you and your staff to allow Westchester's people to be heard as fully and completely as is possible.

The Honorable Donald L. Evans
May 22, 2002
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While I am aware that, pursuant to 15 C.F.R. §930.128, notice of the appeal will be published and that you will afford an opportunity for public comment, I respectfully request that your staff require that copies of all appeal notices, briefs, and other materials are provided to Westchester County on a timely basis and that we be afforded the opportunity to make appropriate submissions for your consideration. Westchester County is willing to post all submissions on its website in order to further the widest possible distribution of these materials.

I also understand that, under 15 C.F.R. §930.128 and §930.113, you may hold a public hearing on the matter, either on your own initiative or in response to a request, which must be conducted in the local area concerned. I urge you to hold a public hearing on the matter so that the many interested people can participate in the process. Westchester is willing to make appropriate facilities available to you and your staff for this purpose.

In short, because this matter is so vital to health and quality of life of Westchester County residents, I intend to stay active and involved in this matter and would appreciate your courtesy and cooperation.

Should you have any questions concerning this matter, please feel free to call upon me at any time. You or your staff may also contact Alan D. Scheinkman, Esq., of Epstein, Becker, & Green, 250 Park Avenue, New York, New York 10177, (212) 351-3770.

Very truly yours,



Andrew J. Spano
County Executive

AJS/ADS/KP/pl

Enclosures

cc: Assistant General Counsel for Ocean Services (GCOS)
1305 East West Highway
Room 6111 SSMC 4
Silver Spring, Maryland 20910

The Honorable George Pataki
Governor, State of New York
Executive Chamber
Albany, New York 12207

The Honorable Randy A. Daniels
Secretary of State, State of New York
41 State Street
Albany, New York 12231-0001



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

SEP 24 2002

The Honorable Andrew J. Spano
County Executive
Michaelian Office Building
White Plains, New York 10601

Dear Mr. Spano:

Thank you for your recent letters to Secretary Evans concerning an administrative appeal involving Millennium Pipeline Company's proposed natural gas pipeline. The appeal, brought to the Secretary of Commerce under the Coastal Zone Management Act (CZMA), results from concerns raised by the State of New York when it objected to the company's proposal. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA administrative appeals for the Secretary, and therefore was asked to respond to your letter.

As you may know, the September 9, 2002, edition of the Federal Register provides notice (copy enclosed) that the public hearing for the appeal will take place in Westchester County on November 13, 2002, at the Tarrytown Hilton, in Tarrytown, New York. We believe the hearing site and facility are an appropriate choice. Tarrytown is proximate to the area at issue in the appeal, and the facility appears equipped to routinely accommodate meetings such as a public hearing. However, we thank you for the generous offer to use the county facilities.

With regard to the scheduling of the hearing, the State of New York's reply brief and supporting documents are due September 30, and briefs and supplementary data and information may be submitted by *amici* up through October 7. These briefs are available on the CZMA Consistency Appeals Website, located at <http://www.ogc.doc.gov/czma.htm>. A November public hearing date increases the likelihood that persons speaking in support of either Millennium or the State's position will have an opportunity to review these submissions to the appeal record prior to preparing remarks for the hearing.

I hope you find this information helpful. Thank you again for your offer of assistance concerning the public hearing for the Millennium appeal. I appreciate your continuing interest in this important matter.

Sincerely,

James R. Walpole
General Counsel



Enclosure

cc: Frederic G. Berner, Jr.
Sidley Austin Brown & Wood

Glen T. Bruening
General Counsel
New York Department of State

period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 3, 2002.

Faryar Shirzad,
Assistant Secretary for Import
Administration.

[FR Doc. 02-22843 Filed 9-8-02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-570-815]

Sulfanilic Acid from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration,
International Trade Administration,
Department of Commerce.

EFFECTIVE DATE: September 9, 2002.

FOR FURTHER INFORMATION CONTACT:
Holly Hawkins or Sean Carey, AD/CVD
Enforcement, Import Administration,
International Trade Administration,
U.S. Department of Commerce, 14th
Street and Constitution Avenue, NW,
Washington DC 20230; telephone: (202)
482-0414 or (202) 482-0664,
respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR part 351 (2001).

Background

On August 27, 2001, the Department of Commerce (the Department) received a request from respondent Zhenxing Chemical Company to conduct an administrative review. The Department also received a request on August 30, 2001 from petitioner, Nation Ford Chemical Company (NFC), to conduct an administrative review of Zhenxing Chemical Company. On October 1, 2001, the Department published a notice of initiation of an administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China, covering the period

August 1, 2000 through July 31, 2001 (67 FR 31770). On May 10, 2002, the Department published its preliminary results of this administrative review (67 FR 31770).

Extension of Time Limits for Final Results

Because of the complexities involved in this review, including the need to analyze new public information on factor valuation timely submitted by the parties since the preliminary results of review, it is not practical to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the final results of review from September 7, 2002 to November 15, 2002.

This notice is published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: August 29, 2002.

Joe Spetrini,
Deputy Assistant Secretary AD/CVD
Enforcement Group III.

[FR Doc. 02-22839 Filed 9-8-02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Millennium Pipeline Company From an Objection by the New York Department of State

AGENCY: National Oceanic and
Atmospheric Administration (NOAA),
Department of Commerce (Commerce).

ACTION: Notice of appeal, request for comments, notice of availability of appeal documents, and notice of public hearing.

SUMMARY: The Millennium Pipeline Company has filed an administrative appeal with the Department of Commerce asking that the Secretary of Commerce override the State of New York's objection to Millennium's proposed natural gas pipeline. The pipeline would extend from the Canadian border in Lake Erie and cross the Hudson River, affecting the natural resources or land and water uses of New York's coastal zone. This document: (a) Provides public notice of the appeal; (b) announces an opportunity for public comment on the appeal; (c) identifies locations where documents comprising the appeal record will be available for

review; and (d) provides notice of a public hearing for the appeal.

DATES: Public comments on the appeal must be received by December 2, 2002. A public hearing for the appeal is scheduled for November 13, 2002.

ADDRESSES: All email comments on issues relevant to the Secretary's decision of this appeal may be submitted to

Millennium.comments@noaa.gov.

Comments may also be sent by mail to the Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910. Materials from the appeal record will be available at the Internet site <http://www.ogc.doc.gov/czma.htm> and at the Office of the Assistant General Counsel for Ocean Services. Also, public filings made by the parties to the appeal may be available at the offices of the New York Department of State, Office of General Counsel, 41 State Street, 8th Floor, Albany, NY. The public hearing will be held at the Hilton Tarrytown Hotel, 455 South Broadway, Tarrytown, New York. FOR ADDITIONAL INFORMATION CONTACT: Karl Gleaves, Assistant General Counsel for Ocean Services, via email at gc.os.inquiries@noaa.gov, or at 301-713-2967, extension 188.

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

Millennium Pipeline Company, L.P. (Millennium or Appellant) filed a notice of appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H, (revised, effective January 8, 2001). The appeal is taken from an objection by the New York Department of State (State) to Millennium's consistency certification for U.S. Army Corps of Engineers and Federal Energy Regulatory Commission permits to construct and operate a natural gas pipeline. The certification indicates that the project is consistent with the State's coastal management program. The project would traverse Lake Erie and cross the Hudson River, affecting the natural resources or land and water uses of New York's coastal zone.

The Appellant requests that the Secretary override the State's consistency objections for a procedural reason, concerning the timing of the State's objection to the Millennium

project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. 15 CFR 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. 15 CFR 930.122.

II. Public Comments

Public comments are invited on any of the issues that the Secretary must consider in deciding this appeal. Comments must be received by December 2, 2002, and may be submitted by email to Millennium.comments@noaa.gov. Comments may also be sent by mail to the Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA). Comments will be made available to the Appellant and the State; they are also expected to be posted on a Department of Commerce website identified below.

III. Appeal Documents

The Secretary has required that Millennium file its initial brief and supplementary information on August 12, 2002, and that the State of New York file its initial brief and supplementary material on September 30, 2002. NOAA intends to provide the public with access to all materials and related documents comprising the appeal record via the Internet at <http://www.ogc.doc.gov/czma.htm>, except that certain materials or documents or portions thereof may be withheld if they contain confidential materials, critical energy infrastructure information,

national security information or other types of information that would be inappropriate for public release. Likewise, these public materials and documents also will be available during business hours at the NOAA Office of the Assistant General Counsel for Ocean Services. In addition, the State of New York may make copies of public filings by the parties available for review during business hours at the office of the New York Department of State.

IV. Public Hearing Notice

A public hearing has been scheduled to obtain information relevant to issues to be decided by the Secretary in the Millennium appeal. The public hearing will be held on Wednesday, November 13, 2002, at the Hilton Tarrytown Hotel. Further details concerning the hearing will be available via the Internet at <http://www.ogc.doc.gov/czma.htm> or through other forms of public notice.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: August 30, 2002.

James R. Walpole,
General Counsel.

[FR Doc. 02-22838 Filed 9-6-02; 8:45 am]

BILLING CODE 3510-06-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082702C]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application to modify an existing scientific research/enhancement permit (1180) and request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit modification from Thomas R. Payne & Associates (TRPA) in Arcata, CA (1180). The modified permit would affect four Evolutionarily Significant Units (ESUs) of salmonids identified in the SUPPLEMENTARY INFORMATION section. This document serves to notify the public of the availability of the permit modification application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see

ADDRESSES) no later than 5 p.m. Pacific Standard Time on October 9, 2002.

ADDRESSES: Written comments on the modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review by appointment at: Daniel Logan, Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404-6528 (ph: 707-575-6053, fax: 707-578-3435). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: Daniel Logan at phone number 707-575-6053, or e-mail: dan.logan@noaa.gov.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1543), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see ADDRESSES). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following one endangered and three threatened salmonid ESUs: Endangered Sacramento River Winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley Spring-run Chinook salmon, threatened Central